

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 11097 PERMIT 6445 LICENSE 3024

ORDER CORRECTING DESCRIPTION OF SOURCE  
AND AMENDING THE LICENSE

**WHEREAS:**

1. License 3024 was issued to Otto Rinkert and was recorded with the County Recorder of Alpine County on September 30, 1948.
2. License 3024 was subsequently assigned to Nancy Balch-Price Fischer, Lon Price III, Kirsten Price, Stevens Balch Price and Timothy Price.
3. A review of the file was conducted by the State Water Resources Control Board (State Water Board) staff on December 28, 1992. It was determined the description for the source has been incorrectly described as being from an unnamed spring tributary to Twin Lakes, and therefore should be corrected.
4. A correction is needed to the source to conform the description with the location on the U.S. Geological Survey (7.5') quadrangle map - Caples Lake.
5. The State Water Board has determined the above correction will not initiate a new right nor operate to the injury of any other lawful user of water and that good and sufficient cause has been shown for said correction.
6. The license condition pertaining to the continuing authority of the State Water Board does not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The description of the source under this license be corrected to read:

Unnamed Spring tributary to Unnamed Stream thence Caples Lake  
thence Caples Creek thence Silver Fork American River

3

2. The continuing authority condition under this license be amended to read:


Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: FEBRUARY 24 1993

  
Edward C. Anton, Chief  
Division of Water Rights

4



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS.  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 11097

PERMIT 6445

LICENSE 3024

THIS IS TO CERTIFY, That **Otto Rinkert**  
**Lake Kirkwood**  
**California**

has made proof as of **August 18, 1947**  
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
**an unnamed spring in Alpine County**

tributary to **Twin Lakes**

for the purpose of **domestic use**  
under Permit **6445** of the Department of Public Works and that said right to the use of said water has  
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works  
and the terms of the said permit; that the priority of the right herein confirmed dates from **July 5, 1945;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed **sixty (60) gallons per day**  
from about **June 1** to about **November 1** of each year.

The point of diversion of such water is located **West fifteen hundred forty-three and three tenths (1543.3) feet and South three hundred seventy-four and seven tenths (374.7) feet from the Northeast Corner of Section 19, T 10 N, R 18 E, M.D.B. & M., being within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 19.**

A description of the lands or the place where such water is put to beneficial use is as follows:

**Lot 10 of Twin Lakes Tract, El Dorado National Forest, being within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 19, T 10 N, R 18 E, M.D.B. & M.**

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code.*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

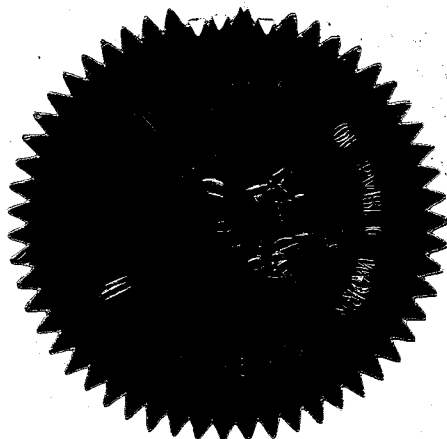
Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public  
Works of the State of California, this 29th  
day of September, 1948

  
EDWARD HYATT, State Engineer



6/15/55 RECEIVED NOTICE OF ASSIGNMENT TO

Helen Riskert

8/16/55 RECEIVED NOTICE OF ASSIGNMENT TO

Carl S. Balch

LICENSE 3024

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Otto Riskert

DATED September 1948